

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Minnesota Life Insurance Company,
Securian Financial Group, Inc., Securian
Funds Trust, and Securian Foundation,

Court File No.: 12-Civ.-02671 (ADM/LIB)

Plaintiffs,

v.

Credit Suisse First Boston Mortgage Securities
Corp., Credit Suisse Securities (USA) LLC
(f/k/a Credit Suisse First Boston, LLC),
and DLJ Mortgage Capital, Inc.,

Defendants.

**AFFIDAVIT OF DAVID M. WILK IN OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS THE COMPLAINT**

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

I, DAVID M. WILK, being first duly sworn, hereby state as follows:

1. I am a partner with the law firm of LARSON • KING, LLP, counsel for Plaintiffs in the above-captioned matter, and I submit this Affidavit in Opposition to Defendants' Motion to Dismiss the Complaint.

2. Attached as Exhibit 1 is a copy of excerpts from the Joint Memorandum of Law of Defendants Credit Suisse Securities (USA) LLC, Credit Suisse First Boston Mortgage Securities Corporation, Credit Suisse Financial Corporation, Asset Backed Securities Corporation, and DLJ Mortgage Capital, Inc. in Support of Their Joint Motion to Dismiss Plaintiffs' Amended Complaint in the case titled *Allstate Insurance Company, et al. v. Credit Suisse Securities (USA) LLC, et al.* venued in the Supreme Court for the State of New York, filed January 9, 2012.

3. Attached as Exhibit 2 is a copy of excerpts from Defendants' Memorandum of Law in Support of Their Joint Motion to Dismiss the Complaint in the case titled *Stichting Pensioenfonds ABP v. Credit Suisse Group AG, et al.* venued in the Supreme Court for the State of New York (the "*Stichting Pensioenfonds*" case), filed April 26, 2012.

4. Attached as Exhibit 3 is a copy of the Decision and Order of the Honorable Melvin L. Schweitzer in the *Stichting Pensioenfonds* case, filed December 7, 2012.

5. Attached as Exhibit 4 is a copy of the Complaint filed in the case titled *People of the State of New York v. Credit Suisse Securities (USA) LLC, et al.*, venued in the Supreme Court for the State of New York, filed November 20, 2012.

6. Attached as Exhibit 5 is a copy of excerpts from the Credit Suisse Group AG Form 6-K filed with the United States Securities and Exchange Commission on November 6, 2012.

FURTHER AFFIANT SAYETH NOT.

Dated: December 21, 2012

s/ David M. Wilk

DAVID M. WILK

Subscribed and sworn to before me
this 21st day of December, 2012.

s/ Judith M. Heglund

Notary Public